

Before the
Federal Communications Commission
Washington D.C. 20554

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In the Matter of) MM Docket 95-51
) RM-8591
Amendment of Section 73.202 (b),)
Table of Allotments,)
FM Broadcast Stations,)
(Shingletown, California).)

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TO: Chief, Allocations Branch,
Policy and Rules Division,
Mass Media Bureau.

COMMENTS of COREY J. McCASLIN

The Commission is considering a proposal by Mark C. Allen,
("Allen"), requesting the allocation of FM Channel 232A to
Shingletown, California, as that community's second local FM
service The Coordinates for this proposal are:

North Latitude: 40-29-33
West Longitude: 121-53-17

I oppose the request by Allen to allot Channel 232A to
Shingletown, California, and present a counterproposal to allot
Channel 232C3 to the community of Hayfork, California, as that
community's **first local aural service**. The allocation of 232C3
to Hayfork is mutually exclusive to the proposal by Allen to
allot Channel 232A to Shingletown. The Reference Coordinates
for Hayfork are:

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North Latitude: 40-33-18
West Longitude: 123-10-42

The required Spacing between Co-channel FM Stations that are Class A and Class C3 is 142 kilometers. The Spacing between the proposal by Allen to allot Channel 232A to Shingletown, and the counterproposal to allot Channel 232C3 to Hayfork is 109.6 kilometers, therefore these two proposals are Short Spaced by 32.4 kilometers, and thus mutually exclusive to each other.

While conducting the FM Spacing Study to allot Channel 232C3 to Hayfork, I have discovered what I believe to be an error in the Federal Communications Commission's Data Base for The FM Table of Allotments. I used the services of Dataworld, Inc., Washington, D.C. to study my counterproposal to allot 232C3 to Hayfork, California using the Reference Coordinates shown above. The Dataworld Data Base of 4-28-95 indicated that this proposal was not Short Spaced to **any** FM Stations (including Proposed Rulemakings), other than the instant proposal by Allen to allot 232A to Shingletown, California. However, the FCC Data Base of 3-28-95 indicated that an **additional** Short Spacing would result from a Proposed Rulemaking to add FM Channel 231C1 to Hydesville, California by Brett E. Miller, ("Miller"), (MM Docket 9461). I believe this item to be an error in the FCC Data Base, and should be deleted from the Data Base and/or dismissed from the proceedings in MM Docket 94-61 for the following reason.

My research indicates that Miller proposed in Docket 94-61 to reallocate FM Channel 279C1 from Garberville, California to Hydesville, California. (MM Docket 94-61, RM-8464, adopted June 9, 1994, released July 5, 1994.) Comments were filed by third parties opposing the reallocation of 279C1 from Garberville to Hydesville. In his **Reply Comments**, Miller advanced the proposal to add 231C1 to Hydesville in lieu of reallocating 279C1 from Garberville to Hydesville, thereby offering a counterproposal to Miller's own Proposed Rulemaking. This counterproposal is in conflict with Section 1.420(d), FCC Rules and Regulations, which states in regard to proceedings to amend the FM Table of Allotments:

Counterproposals shall be advanced in the initial comments **only and will not be considered** if they are advanced in reply comments. (Emphasis added).

Clearly, the proposal by Miller to add 231C1 at Hydesville, California should not be considered, the proposal dismissed from the proceedings in Docket 94-61, and deleted from the FCC Data Base of FM Allotments.

In support of the counterproposal to allocate Channel 232C3 to Hayfork, I will demonstrate that not only is this allocation technically possible (See **EXHIBIT 1** , FM Spacing Study), but also preferable using the Commission's own set of Allocations Priorities. Furthermore, it is my intent to apply for Channel 232C3 at Hayfork, if allocated.

COUNTERPROPOSAL-ALLOCATE CHANNEL 232C3 TO HAYFORK, CA.

In comparing competing FM Allotment proposals, the Commission has determined that the Priorities are:

1. First Aural Service.
2. Second Aural Service.
3. First Local Service.
4. Other Public Interest Matters.

(Co-equal weight is given to priorities (2) and (3).) (90 FCC Rcd 88 (1982)).

An allotment of Channel 232A to Shingletown, California would constitute a Priority (4) allotment, while the allotment of 232C3 to Hayfork, California would constitute a Priority (3) allotment as there are **no other aural services** allotted to

that community. Infact, there are **no other Broadcast Allocations (AM, FM, or TV)** allotted to any community within Trinity County, where Hayfork is located.

Additionally, an allotment of Channel 232C3 to Hayfork is a more efficient use of the FM spectrum, as a Class C3 FM Station provides a wider service area than that of a Class A FM Station.

CONCLUSION.

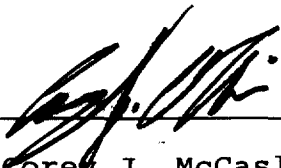
The counterproposal to Allocate Channel 232C3 to Hayfork, California rather than Shingletown, California represents a preferential Allotment using the Commission's own set of **ALLOTMENT PRIORITIES**. Furthermore, the Public Interest is advanced by such an Allocation as there are presently **no other aural services** Allocated in all of Trinity County where Hayfork is located.

Therefore, I request that the Commission accept my counterproposal to Allot Channel 232C3 to Hayfork, California on lieu of the proposal by Allen to Allocate Channel 232A to Shingletown, California.

The data and statements contained herein are accurate to the best of my knowledge.

Respectfully submitted.

DATE: 6-21-95



Corey J. McCaslin

1351 Arcadian, # D,
Chico, CA. 95926.

CERTIFICATE OF SERVICE

I, Corey J. McCaslin, do hereby certify that a copy of the foregoing, COMMENTS of COREY J. McCASLIN. regarding MM Docket 95-51, RM-8591, has been sent via first-class mail, postage pre-paid, this 21 st day of June, 1995 to the following person:

Mr. Mark C. Allen (Petitioner)
3745 McHale Way,
Redding, CA. 96001.



Corey J. McCaslin.

EXHIBIT 1.**COMMENTS OF COREY J. McCASLIN
MM DOCKET No. 95-51**

Co-channel, Adjacent Channel, and I.F. Spacing for FM Channel
232C3 at Hayfork, California.

Reference Coordinates: 40-33-18, 123-10-42.

<u>CALL SIGN</u> <u>CITY OF LICENSE</u>	<u>CHANNEL</u> <u>FREQ.(MHZ)</u>	<u>REQUIRED</u> <u>DISTANCE(km)</u>	<u>ACTUAL</u> <u>DISTANCE(km)</u>
KTMT-FM Medford, OR.	229C 93.7	96	173.9
KFMF Chico, CA.	230B1 93.9	50	141.2
PRM DOC-90-189. Grass Valley, CA.	231A 94.1	89	238.7
KCRE-FM Crescent City, CA.	232A 94.3	142	157.3
KCRE-FM (CP) Crescent City, CA.	232C3 94.3	153	157.3
KWNE Ukiah, CA.	233B 94.5	145	158.4
KEWB Anderson, CA.	234C2 94.7	56	56.28
PRM DOC-94-86 Altamont, OR.	235C1 94.9	76	236.7
KSAN-FM San Francisco, CA.	235B 94.9	71	324.5
KYIX South Oroville, CA.	285A 104.9	12	177.5
KROG Phoenix, OR.	286C1 105.1	24	208.6